

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL TILLMAN
Plaintiff, Pro-Se

JOHN PAUL SMITH
Plaintiff, Pro-Se

DONALD F. BLIZZARD, SR.
Plaintiff, Pro-Se

V.

JOHNSON DIVERSEY, INC.
[Incorrectly identified as “Johnson
Diversay, Inc.]
Defendant.

DOCKET NO: 04-CV-40107-GAO

MOTION OF THE DEFENDANT JOHNSON DIVERSEY, INC.,
FOR ENTRY OF AN ORDER OF DISMISSAL AS TO
PLAINTIFF JOHN PAUL SMITH ONLY

The defendant, JohnsonDiversey, Inc., (incorrectly identified as “Johnson Diversay, Inc.”) (herein “JDI”) pursuant to Fed. R. Civ. P. Rule 58, moves for entry of an Order of Dismissal against plaintiff John Paul Smith, only, because the Smith claim has been resolved as between the parties. A copy of the Settlement Agreement is attached as Exhibit “A”, and a proposed Order is attached as Exhibit “B”.

Wherefore, the defendant, JohnsonDiversey, Inc., moves for entry of an Order of

Dismissal against plaintiff John Paul Smith, only.

Respectfully Submitted,
The defendant,
JOHNSON DIVERSEY, INC.
By its attorneys,

/s/ Lee Stephen MacPhee
Lee Stephen MacPhee, BBO #312400
MORRISON MAHONEY LLP
250 Summer Street
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L.R. D. MASS. 7.1(A)(2) CERTIFICATION

I, Lee Stephen MacPhee, Esquire, counsel for the moving defendant, hereby certify that pursuant to L. R. D. Mass. 7.1(A)(2), I have attempted to confer in good faith with the *pro se* plaintiffs to resolve or narrow the issues presented by the within Motion, and have thus far been unsuccessful.

/s/ Lee Stephen MacPhee
Lee Stephen MacPhee, Esq.